

# Florida House of Representatives



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## Committee on 21<sup>st</sup> Century Competitiveness

Action Packet  
March 6, 2007

Chair, David Simmons

Vice Chair, Seth McKeel

**COMMITTEE MEETING REPORT**  
**Committee on 21st Century Competitiveness**  
**3/6/2007 3:00:00PM**

**Location:** 404 HOB

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
David Simmons (Chair)	X		
Faye Culp	X		
Joseph Gibbons	X		
Martin Kiar	X		
Dick Kravitz	X		
Rick Kriseman	X		
Seth McKeel	X		
Stephen Precourt	X		
Anthony Traviesa	X		
<b>Totals:</b>	<b>9</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Tuesday, March 06, 2007 7:22:05PM

**COMMITTEE MEETING REPORT**  
**Committee on 21st Century Competitiveness**  
**3/6/2007 3:00:00PM**

**Location:** 404 HOB

**Other Business Appearance:**

Career Education

Wayne Harris - Information Only  
Executive Director, Crestview Chamber  
502 S. Main Street  
Crestview Florida 32536  
Phone: 850-682-3212

Career Education

Mary Jane Tappen (State Employee) - Information Only  
Deputy Chancellor K-12 Education  
325 W. Gaines Street 501A  
Tallahassee FL 32399  
Phone: 850-245-0818

Career Education

Lucy D. Hadi (Lobbyist) (State Employee) - Information Only  
Chancellor, DOE Division of Workforce Education  
325 W. Gaines Street  
Tallahassee Florida 32399  
Phone: 850-245-0409

Career Education

Gary Earl - Information Only  
President/CEO, Workforce Central Florida  
1097 Sand Pond Rd Ste 1009  
Lake Mary FL 32746  
Phone: 407-531-1222

Career Education

Nancy Stephens (Lobbyist) - Information Only  
Executive Director, Manufacturers Association of Florida  
Tallahassee FL  
Phone: 402-2954

Career Education

Eric Roe (State Employee) - Information Only  
Director, FL-ATE  
10414 East Columbus Dr.  
Tampa FL 33619  
Phone: 813-259-6579

Career Education

Sherry Berry - Information Only  
Manager, Community Affairs, Tropicana/PepsiCo.  
P.O. Box 338  
Bradenton FL 34206  
Phone: 941-742-2604

Committee meeting was reported out: Tuesday, March 06, 2007 7:22:05PM

**COMMITTEE MEETING REPORT**  
**Committee on 21st Century Competitiveness**  
**3/6/2007 3:00:00PM**

**Location:** 404 HOB

Recommendation of Proposed Council Bill relating to Performance-Based Pay Bonuses

Theo Harris - Information Only

President, Palm Beach County Classroom Teachers Association (CTA)

4104 Dakota Place

Palm Beach Gardens Florida 33418

Phone: 561-714-8740

Recommendation of Proposed Council Bill relating to Performance-Based Pay Bonuses

Arthur Johnson (State Employee) - Information Only

Superintendent, Palm Beach County

Palm Beach County Florida 33431

Phone: 561-434-8200

Recommendation of Proposed Council Bill relating to Performance-Based Pay Bonuses

Marianne Capozziello - Opponent

President, Polk Education Association

730 E Davidson Street

Bartow FL 33884

Recommendation of Proposed Council Bill relating to Performance-Based Pay Bonuses

Andy Ford (Lobbyist) - Opponent

President, Florida Education Association

213 South Adams Street

Tallahassee Florida

Phone: 850-222-4767

Recommendation of Proposed Council Bill relating to Performance-Based Pay Bonuses

Vicki Reynolds - Proponent

Chief Human Resource Officer, Duval County Public Schools

1701 Prudential Dr.

Jacksonville Florida 32233

Phone: 904-390-2936

Recommendation of Proposed Council Bill relating to Performance-Based Pay Bonuses

Constance Higginbotham - Information Only

President Clay County Education Assn.

2301 Park Avenue #304

Orange Park FL 32073

Phone: 904-264-8810

Recommendation of Proposed Council Bill relating to Performance-Based Pay Bonuses

Roseanne Wood (State Employee) - Information Only

Principal, Leon Co. Schools / NEA

725 N. Macomb Street

Tallahassee FL

Phone: 850-488-2468

Committee meeting was reported out: Tuesday, March 06, 2007 7:22:05PM

**COMMITTEE MEETING REPORT**  
**Committee on 21st Century Competitiveness**  
**3/6/2007 3:00:00PM**

**Location:** 404 HOB

**Summary:** No Bills Considered

Committee meeting was reported out: Tuesday, March 06, 2007 7:22:05PM



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. RPCB 07-01

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>✓</u>	(Y/N)
ADOPTED AS AMENDED	<u>—</u>	(Y/N)
ADOPTED W/O OBJECTION	<u>—</u>	(Y/N)
FAILED TO ADOPT	<u>—</u>	(Y/N)
WITHDRAWN	<u>—</u>	(Y/N)
OTHER	<u>—</u>	

Adopted

Council/Committee recommending bill: 21<sup>st</sup> Century

Competitiveness Committee

Representative(s) Simmons offered the following:

**Amendment**

Between line(s) 552 and 553 insert:

Section 9. By May 1, 2008, all districts must have developed and be able to administer end-of-course examinations in all grade groupings and subject areas.

Section 10. The Legislature shall appropriate the necessary funding for an actuarial study to determine the viability and cost of making bonuses a part of the Florida Retirement System.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. RPCB 07-01

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>Y</u> (Y/N)
ADOPTED AS AMENDED	<u>—</u> (Y/N)
ADOPTED W/O OBJECTION	<u>—</u> (Y/N)
FAILED TO ADOPT	<u>—</u> (Y/N)
WITHDRAWN	<u>—</u> (Y/N)
OTHER	<u>—</u>

*Adopted*

Council/Committee recommending bill: 21<sup>st</sup> Century

Competitiveness Committee

Representative(s) Simmons offered the following:

**Amendment**

Remove line(s) 49-229 and insert:  
reward for effective performance.

(c) Research has consistently shown that the level of effectiveness of the instructional personnel and administrators in the school is the most important factor in realizing the goal of improved academic achievement for each student, classroom by classroom and school by school. Based upon this, the retention specifically of our most effective instructional personnel and administrators should be a priority of all school districts, and an appropriate performance-based pay plan must provide for significant recognition of the most effective instructional personnel and school-based administrators as a component of the district's personnel retention and student achievement policies.

(d) In addition to individual instructional personnel and school-based administrators, all faculty and staff of high-

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

21 performing schools make an important contribution to the  
22 school's successful performance.

23 (2) INTENT.--

24 (a) It is the intent of the Legislature to establish a  
25 performance-based pay plan to provide bonuses in recognition of  
26 the successes achieved by individual instructional and school-  
27 based administrative personnel on behalf of their students.

28 (b) It is the intent of the Legislature to provide bonuses  
29 for all faculty and each staff member of high-performing  
30 schools, in full recognition of the teamwork required at every  
31 level of operation to attain a Florida School Recognition  
32 Program award.

33 (3) PROGRAM PARTICIPATION.--

34 (a) District participation in the performance-based pay  
35 plan program under this section is voluntary. Participating  
36 districts may opt to use their performance-based pay plans under  
37 this section in lieu of or in addition to the performance pay  
38 policy under s. 1012.22(1)(c)4. In order to be eligible for  
39 funding pursuant to this section, a district school board must  
40 adopt a performance-based pay plan that provides for an  
41 assessment and a performance-based pay bonus for each qualifying  
42 employee based on objectively measured, significantly improved  
43 performance of students assigned to his or her classroom, team,  
44 or school combined with a professional practices component, in  
45 accordance with subsection (4).

46 (b)1. For performance-based pay bonuses, all instructional  
47 personnel except substitute teachers and all school-based  
48 administrators shall be eligible and shall not be required to  
49 apply or make any presentation in order to be assessed for or to  
50 receive a performance-based pay bonus.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

51        2. For school recognition bonuses, all faculty and each  
52 staff member of the team for a school during the school year for  
53 which the school received its award for high performance shall  
54 be automatically eligible.

55        (c) Any charter school that does not follow the district's  
56 salary schedule may adopt its own performance-based pay plan  
57 pursuant to the requirements of this section. Charter school  
58 proposals shall be included with the district plan or may be  
59 adopted independently if the district does not adopt a plan.

60        (d) The performance-based pay plan adopted pursuant to  
61 this section shall be subject to negotiation as provided in  
62 chapter 447 except that, if an impasse occurs pursuant to s.  
63 447.403, a mediator or special magistrate shall be appointed  
64 only if both parties agree to seek such appointment. If a party  
65 does not agree to such appointment, the appointment shall be  
66 considered waived and the parties shall proceed directly to  
67 resolution of the impasse by the district school board pursuant  
68 to s. 447.403(4)(d).

69        (e) That portion of the funds appropriated for each  
70 district that chooses not to adopt a performance-based pay plan  
71 pursuant to this section shall be redistributed among the  
72 participating districts.

73        (f) Performance-based pay plans shall provide for the  
74 annual disbursement of performance-based pay bonuses for high-  
75 performing instructional personnel and school-based  
76 administrators as follows:

77        1.a. The district school board performance-based pay plan  
78 shall require that in order to be eligible for a performance-  
79 based pay bonus, each employee shall first meet the assessment

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

80 criteria adopted by the district school board pursuant to the  
81 professional practices component set forth in paragraph (4)(b).

82 b. Those employees that meet the criteria under sub-sub  
83 paragraph a. shall qualify for a performance-based pay bonus  
84 based upon objectively measured, significantly improved student  
85 performance of the students assigned to the employee.

86 Significantly improved student performance shall mean a three-  
87 quarters standard deviation above the prior year district  
88 average of improved student performance for that employee's  
89 grade and/or subject area grouping.

90 c. The district school board shall pay each qualifying  
91 employee who remains employed by a Florida public school, by  
92 September 1 of the following school year, an equal bonus amount  
93 up to \$10,000 per individual bonus. The bonuses shall be funded  
94 from funds annually appropriated.

95 d. All performance-based pay funds appropriated to the  
96 district shall be fully disbursed, up to \$10,000 per individual  
97 bonus, annually by the district school board to these high-  
98 performing instructional personnel and school-based  
99 administrators who remain employed by a Florida public school by  
100 September 1 of the following school year. Funds in excess of  
101 the \$10,000 cap on individual bonuses shall be retained by the  
102 district school board for the following year's bonuses pursuant  
103 to this section.

104 2. Performance-based pay bonuses shall be in addition to  
105 any general increase or other adjustments to salaries made by a  
106 district. Earning or receiving a performance-based pay bonus  
107 shall not adversely affect the opportunity of that high-  
108 performing personnel to qualify for or to receive any other  
109 compensation made generally available to other similarly

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

110 situated district school board employees, including, but not  
111 limited to, school recognition bonuses.

112 (g) Bonuses awarded to instructional personnel, school-  
113 based administrators, and all faculty and staff under this  
114 section are not available for contribution to the Florida  
115 Retirement System.

116 (4) ASSESSMENT.--

117 (a) Professional practices component.--Using assessment  
118 criteria adopted by the district school board, the assessment of  
119 instructional personnel must be based on the principal's or  
120 principal's designee's assessment of that personnel and the  
121 assessment of school-based administrators must be based on the  
122 district superintendent's or superintendent's designee's  
123 assessment of that personnel. Performance-related assessment  
124 criteria adopted by the district school board for personnel  
125 assessments by principals and district superintendents shall  
126 include but are not limited to:

127 1. The ability of instructional personnel and school-based  
128 administrators to maintain appropriate discipline.

129 2. The outstanding knowledge of subject matter of  
130 instructional personnel, with the ability to plan and deliver  
131 high-quality instruction in the classroom.

132 3. The outstanding school-based management skills of  
133 principals and other school-based administrators, including  
134 recruitment and retention of excellent teachers.

135 4. The ability of instructional personnel and school-based  
136 administrators to evaluate instructional needs of all students.

137 5. The ability of instructional personnel and school-based  
138 administrators to establish and maintain a positive

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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39 collaborative relationship with students' families for the  
140 purpose of increasing student achievement.

141 6. The Florida Educator Accomplished Practices for  
142 instructional personnel and the Florida Principal Leadership  
143 Standards for school-based administrators.

144 (b) Individual instructional personnel and school-based  
145 administrators component.--

146 1. The assessment of instructional personnel and school-  
147 based administrators must be based upon the objectively measured  
148 significant improved performance of students assigned to their  
149 classrooms, teams, or schools.

150 2. For purposes of this section, improved student  
151 performance shall be measured by statewide standardized tests  
152 or, for subjects and grades not measured by the statewide  
153 assessment program, by national, state, or locally determined  
154 testing instruments that measure the Sunshine State Standards,  
155 curriculum frameworks, or course descriptions for the content  
156 area assigned and grade level taught. Locally determined testing  
157 instruments may include district-wide course examinations,  
158 industry certification examinations, or skill/performance-based  
159 examinations or adjudications.

160 3. The department shall make available a model methodology  
161 to assist district school boards' measurement of improved  
162 student performance in an equitable manner and shall provide  
163 technical assistance upon request. Methods adopted by district  
164 school boards to measure improved student performance shall not  
165 permit an unfair advantage to or an adverse effect upon  
166 employees due to the achievement level of their students at the  
167 time those students were assigned to the employee.

168 (5) DUTIES.--

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

69        (a) District school boards shall inform all employees of  
170 the criteria and procedures associated with a district's  
171 performance-based pay plan upon its final adoption by the  
172 district school board.

173        (b)1. The department shall provide technical assistance to  
174 districts for the purpose of aiding the development, revision,  
175 improvement, and monitoring of performance-based pay plans. The  
176 technical assistance, model methodology, and best practices  
177 offered by the department pursuant to this section shall not be  
178 subject to the requirements of chapter 120.

179        (6) REVIEW OF PERFORMANCE-BASED PAY PLANS.

180        (a) District school board review. -Each participating  
181 district school board shall establish a procedure to annually  
182 review both the assessment and compensation components of its  
183 performance-based pay plan to determine compliance with this  
184 section. After this review and by October 1 annually, the  
185 district school board shall submit a report to the Commissioner  
186 of Education and the Auditor General with supporting  
187 documentation that will enable verification of its compliance  
188 with this section in the prior school year.

189        (b) Commissioner of Education and Auditor General review. -  
190 Compliance reviews shall be performed by the Commissioner of  
191 Education to determine compliance with the requirements of this  
192 section. The commissioner shall report findings for each  
193 participating district to the Auditor General within 60 days  
194 after October 1 to allow districts to make any revisions that  
195 may be necessary for compliance in the following school year.  
196 The Auditor General shall review the commissioner's findings and  
197 determine if any district should be penalized for non-compliance  
198 with this section. If, based on the commissioner's findings,

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199 the Auditor General determines that a district was not compliant  
200 with this section in the previous school year, the Auditor  
201 General may recommend to the department and the Legislative  
202 Budget Commission to withhold an amount of that district's  
203 funding under this section proportionate to the level of the  
204 district's failure to comply.  
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